

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

Post Office Box 12267
COLUMBIA 29211

May 14, 2003

The Honorable David H. Wilkins
Speaker of the House of Representatives
State House
Post Office Box 11867
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3837, R-82, an Act:

TO AMEND ACT 187 OF 1999, RELATING TO PAYMENT FOR ATTENDANCE AT MEETINGS OF THE DILLON COUNTY TRANSPORTATION COMMITTEE, SO AS TO PROVIDE THAT MEMBERS MAY BE PAID FOR NOT MORE THAN TWELVE MEETINGS A YEAR RATHER THAN TEN.

This veto is based upon my belief that H. 3837, R-82 is unconstitutional.

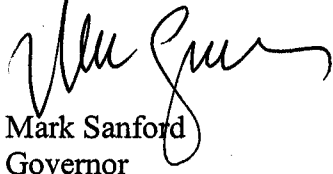
The state constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34 (IX). The General Assembly has established a general statute that prohibits county transportation committees from using "C" funds to pay per diems as administrative expenses. *See* S.C. Code § 12-28-2740 (B), as amended. It is unconstitutional for the General Assembly to pass special legislation, like H. 3837, R-82, in contravention of general law. Each county's transportation committee should be subject to the same general law either allowing or disallowing per diems. Legislation like H. 3837, R-82 demonstrates the policy basis for Article III, Section 34's directive that special legislation be avoided in all cases where general legislation can be enacted.

Additionally, H. 3837, R-82 affects only Dillon County and is, therefore, clearly an act for a specific county. Such acts are in violation of Article VIII, Section 7 of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific county shall be enacted."

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In summary, I believe the specific nature of H. 3837, R-82 renders this Act unconstitutional. For this reason, I am returning H. 3837, R-82 to you without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Sanford", written over the printed name and title.

Mark Sanford
Governor